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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,085	07/30/1999	URI ELZUR	INTL-0149-US	8923

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EXAMINER

LEE, WENDY

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 04/19/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/364,085

Applicant(s)

ELZUR, URI

Examiner

Wendy Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Amendment

1. The amendment received on March 1, 2002 has been entered and carefully considered.

Claims 1-19 are still pending in the application.

Response to Arguments

2. Applicant's argument has been fully considered but they are not persuasive for the reasons below.

It appears, from careful inspection of the attached remarks that the Applicant's argument hinges a major point, which is addressed below:

- a. The Applicant argues that in claims 1, 9, and 14 Jackowski et al. fails to teach or suggest storing a table in a memory of a peripheral where the table includes entries that identify different packet flows. The examiner respectfully asserts that similar to the Applicant's table of packet flows, Jackowski et al. discloses that packet flow associations and statistics are consolidated into tables (Abstract). More specifically, Jackowski et al. discloses a consolidator that consolidates the statistical information about network events such as application name, timestamps, Internet addresses, ports, and process identifiers into application classifier tables (Col. 4 line 61-Col. 5 line 11 and Figure 9A and B). Therefore, the examiner interprets that table of statistical

information about network events is equivalent to the table of packet flows as disclosed by the Applicant.

Therefore, in view of the above responses to Applicant's argument, the rejection of the claimed invention over Jackowski et al. is respectfully maintained as appeared below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3-10, 12-15, and 17-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Jackowski et al. U.S. Patent 6,141,686.

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4. Referring to claim 1, Jackowski et al. discloses a method for use with a computer system, comprising: storing a table in a memory (Figure 5 Item 60 and Col. 4 line 61 - Col. 5 line 11) of a peripheral, the table including entries identifying different packet flows (Col. 4 lines 61-63); receiving a packet (Figure 5); and using the table to associate the packet with one of the packet flows (Figure 9A and 9B).
5. Referring to claim 9, Jackowski et al. discloses a network controller (Figure 5) for use with a computer system, comprising: a memory adapted to store a table including entries identifying different packet flows (Figure 5 Item 60 and Col. 5 lines 7-11); a first interface adapted to receive a packet from a network (Figure 5); and a circuit adapted to use the table to associate the packet with one of the packet flows (Figure 5).
6. Referring to claim 14, Jackowski et al. discloses a computer system comprising: a system memory; a processor; and a peripheral comprising: a peripheral memory adapted to store a table including entries identifying different packet flows (Figure 5 Item 60); a first interface adapted to receive a packet (Figure 5); a second interface adapted to communicate with the system memory (Figure 5); and a circuit adapted to: use the table to associate the packet with one of the packet flows (Figure 5 and Col. 9 lines 3-19), and based on the association, interact with the second interface to selectively transfer a portion of the packet to the system memory for processing by the processor (Figure 5).

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7. Referring to claim 3, 12, and 17 Jackowski et al. discloses the method of claim 1, 9 and 14 wherein said at least one characteristic comprises: a port number being associated with an application (Col. 5 lines 3-4).
8. Referring to claim 4, 13, and 18 Jackowski et al. discloses the method of claim 1, 9, 14 wherein said at least one characteristic comprises: a security attribute (Col. 3 lines 34-38).
9. Referring to claim 5, Jackowski et al. discloses the method of claim 1, further comprising: based on the association, selectively using hardware to process the packet (Abstract and Col. 17 lines 15-20).
10. Referring to claim 6, Jackowski et al. discloses the method of claim 1, further comprising: based on the association, selectively executing software to process the packet (Figure 10 and Col. 9 lines 3-19).
11. Referring to claim 7 and 15, Jackowski et al. discloses the method of claim 1 and 14 wherein the peripheral comprises: a network controller (Figure 5 and Col. 8 lines 7-23).
12. Referring to claim 8 and 19, Jackowski et al. discloses the method of claim 1 and 14 and a high-level application module (Figure 5 Item 32). Jackowski et al. does not explicit disclose storing the packet in another memory. However, the high level applications as disclosed by Jackowski et al. send and receive information to a network by making calls to Winsock-2

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library by calling application programming interfaces (API). It is inherent that any high level application processing of the received packets requires some kind of storage or memory to function. Therefore, it is obvious that high-level application module comprises a memory for information retrieval and for more convenient accessibility.

13. Referring to claim 10, Jackowski et al. discloses the network controller of claim 9, further comprising: a second interface adapted to furnish at least a portion of the packet to a memory of the computer system based on the association (Figure 5 and Col. 7 lines 58-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackowski et al. as applied to claim 1, 9, and 14 above, and further in view of Radogna et al. U.S. Patent No. 5,991,299.

15. Referring to claim 2, 11, and 16, Jackowski et al. discloses the method of claim 1, 9, and 14 where an examiner, coupled to the interceptor, examines the network event intercepted and

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collects statistical information about the network event (Col. 4 lines 61-64). However, Jackowski et al. does not explicitly disclose a parser that identifies the packet and header characteristics. Radogna et al. discloses a method for translating data link layer and network layer frame headers at higher speed for processing wherein the packet indicates a header and the act of using the table (Figure 2) comprises: parsing the packet to identify at least one characteristic of the packet (Figure 2 Item 46 and Col. 3 lines 23-29 and 50-59); and comparing said at least one characteristic to the entries (Col. 4 lines 4-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collection of statistical network flow and packet information as disclosed by Jackowski et al. to include a Receive Header Processor as disclosed by Radogna et al. because the parser not only collects information but specifically breaks information into manageable parts. A parser may also check to see that all inputs have been provided.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wendy Lee whose telephone number is 703-308-9119. The examiner can normally be reached on Mon-Fri (8:30am-5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7201 for regular communications and 703-305-7201 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

WL

WL
April 17, 2002



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100